

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Jim Arnold, an individual doing
business as Purgreen Environmental
2776 S. Lilac Ave
Bloomington, CA 92316
ID No. CAL000208424

and

Terry Bissman, an individual
102 Fletcher Ln
Zillah, WA 98953-9540

Respondents.

Docket HWCA 2004-0623

STIPULATION AND ORDER

Health and Safety Code
Section 25187

The California Department of Toxic Substances Control (Department) and Jim Arnold doing business as Purgreen Environmental (Respondent) enter this Stipulation and Order (Order) and agree as follows:

1. Respondent operated as a hazardous waste transporter.
2. The Department issued an Enforcement Order on January 26, 2006 (the "Enforcement Order;" attached as Exhibit 1).
3. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

4. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.
5. Respondent waives any right to a hearing in this matter.
6. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations, except that the Department agrees not to take enforcement action against Purgreen Environmental for its past failure to submit quarterly reports required by Health and Safety Code section 25185.6(a).
7. This Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations, if any.

SCHEDULE FOR COMPLIANCE

8. Respondent shall comply with the following:
 - 8.1. Respondent agrees not to act as a hazardous waste transporter for at least 5 years from the effective date of this Order.
9. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.
10. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate

the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

11. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order.

Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

12. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

13. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 10.3, in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

PENALTY

14. Penalty

14.1. Respondent shall pay the Department a total of \$18,500, in four monthly installments. Respondent shall pay the first monthly installment of \$4,625 within ten days of the effective date of this order and shall make each of the remaining payments within one month of the prior payment. Respondent's checks shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket number as shown in the caption of this Order, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

14.2. A photocopy of the check shall be sent to:

Yvonne Sanchez, Branch Chief
Statewide Compliance Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

and

James J. Grace
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

14.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

15. Other Provisions:

15.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

15.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

15.3. Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

15.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

15.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: April 25, 2006

Original signed by Jim Arnold
Jim Arnold, Owner
Purgreen Environmental

Dated: May 17, 2006

Original signed by Yvonne Sanchez
Yvonne Sanchez, Chief
Statewide Compliance Division
Cypress Branch
Department of Toxic Substances Control